

1 REMARKS

2 Applicant respectfully requests entry of the following remarks and
3 amendments. Also, Applicant respectfully requests reconsideration of the subject
4 application and allowance of all pending claims.

5 The remarks should be entered under 37 C.F.R. §1.116 as they place the
6 application in better form for appeal, or for resolution on the merits.

7 References herein to the Office Action (or simply the Action) are to the last
8 Office Action, dated February 27, 2001, of U.S. Patent Application Serial
9 No.08/851,877, filed 5/6/97.

10 Applicant expressly grants permission to the Office to re-interpret all
11 pending claims of this application.

12 Prior Art Status of References

13 Applicant does not explicitly or implicitly admit that any reference is prior
14 art. Nothing in this communication should be considered an acknowledgement,
15 acceptance, or admission that any reference is considered prior art.
16

17 "Content"

18 Applicant states that the term "content" found in the claims comprises "data
19 for presentation which is from a source external to the browser." Applicant states
20 that, at the time of filing of this application, this is the plain and ordinary meaning
21 of "content" to those of ordinary skill in the art.

22 Furthermore, examples of content may comprise visible effects of a markup
23 language, visible text of such a markup language, and visible results of a scripting
24 language. Further still, examples of content may comprise HTML, text, SGML,
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1 XML, java, XHTML, JavaScript, streaming video, VRML, Active X, Flash.
2 scripting language for the world wide web.

3 **Telephone Interview**

4 Applicant thanks the Examiner for talking with an attorney for the
5 Applicant, Kasey Christie, via the telephone on several occasions since the
6 issuance of the last Action. This response and amendment is in response to those
7 discussions.

8 At the Examiner's request, the focus on these discussions have been on the
9 meaning of the term "content" as it is used in the claims. With the amendments
10 and new claims provided herein, the Applicant has defined the nature of "content."
11

12 With respect to issues unrelated to the meaning of "content" (which were
13 not discussed with the Examiner via telephone conferences at the request of the
14 Examiner), Applicant maintains its positions stated in previous communications. In
15 particular, Applicant maintains that the Office has not established a *prima facie* of
16 obviousness. Applicant's prior remarks are reproduced here for completeness and
17 to place the application in a better position for appeal.

18 **Claim Rejections – 35 USC § 103 – Obviousness**

19 The Office rejects all claims under §103(a) as being unpatentable over U.S.
20 Patent No. 5,760,771 to Blonder et al. ("Blonder"), U.S. Patent No. 5,973,692 to
21 Knowlton et al. ("Knowlton"), U.S. Patent No. 5,983,005 to Monteiro et al.
22 ("Monteiro"), and U.S. Patent No. 6,101,510 to Stone et al. ("Stone"). Applicant
23 respectfully traverses the rejections.
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1 Prima facie case is not established

2 Applicant submits that the Office has failed to establish its *prima facie* case
3 that claims 1-30 are unpatentable because they are obvious over a combination of
4 cited references. Applicant submits that no combination of the cited references
5 produces combinations having all of the elements and features of claims 1-30.

6 Although some claims are worded differently from others (and may have
7 different claimed elements and features), claims 1-30 recite a common core
8 concept that does not appear in any of the cited references. The core concept is a
9 non-content graphic element appearing over a content area that is indicative of
10 present condition where content is being loaded into the content area.

11 Again, Applicant qualifies the statement of the core concept by noting that
12 each claim is to read and interpreted on its own. The claims of this application may
13 approach this core concept from different angles and color it with different hues.

14 For instance, claim 1 recites its view of the core concept this way:
15 "...display a temporary graphic element over the content viewing area during times
16 when the browser is loading content, wherein the temporary graphic element is
17 positioned over the content viewing area to obstruct only part of the content in the
18 content viewing area, wherein the temporary graphic element is not content." In
19 this case, the display of the non-content graphic element coincides with the loading
20 of content. Claim 18, which is dependent upon claim 1, further elaborates that the
21 display of the non-content graphic element is indicative of the browser "...loading
22 content."

23 In another instance, claim 26 recites its view of the core concept this way:
24 "...wherein a 'load status' graphic element indicates a current content load status
25 of the hypermedia browser..." and "...loading...new content into the content

1 viewing area; and while loading, displaying a 'load status' graphic element over
2 the content viewing area so that the graphic element obstructs only part of the
3 content in such content viewing area..."

4 In previous Actions, the Office compares Blonder's content elements to
5 non-content elements of the claims and Knowlton non-content elements to content
6 elements of the claims. Therefore, Applicant submits that an agreed understanding
7 of the term "content" will further our mutual goal, which is speedy completion of
8 prosecution of this application. Applicant submits that those who are skilled in the
9 art of hypermedia browsers and related fields intuitively understand the concept of
10 "content."

11 Before the submission of Applicant's Preliminary Amendment dated July
12 17, 2000, the Examiner and an attorney for the Applicant, Kasey Christie,
13 discussed the meaning of "content" over the telephone. As a result of that
14 discussion, the Office found and cited Monteiro—in particular, Fig. 19 of
15 Monteiro. This figure illustrates traditional "pull-down" menus in a windowing
16 environment, which may be displayed over the content of a hypermedia browser.
17 Traditional "pull-down" menus are not content.

18 Applicant respectfully submits that the Office's reference to Fig. 19 of
19 Monteiro in the Action seems to indicate an agreement regarding the meaning of
20 "content" within the context of Applicant's application. However, instead of
21 withdrawing Blonder and Knowlton, the Office maintains the same rejections
22 based upon Blonder and Knowlton, but the Office now combines Stone and
23 Monteiro with them.

24 Applicant submits that the cited references do not disclose what the Office
25 says that they do. Applicant submits that the Office equates content in cited

1 references to claimed non-content. In addition, Applicant submits that the Office
2 equates non-content in cited references to claimed content.

3 Furthermore, the Office supports rejections of claims 17-24 based upon
4 their similarity of scope with rejected claims 1-16. However, Applicant submits
5 that the wording and approach of claims 17-24 are different from claims 1-16. As
6 such, Applicant submits that claims 17-24 should be examined independently of
7 claims 1-16. Applicant respectfully submits that, with regard to claims 17-24, the
8 Office has failed to establish its *prima facie* case because it has not examined these
9 claims.

11 **Claims 1-16**

12 The Office equates claims sets 1-5, 6-10, and 11-15 to each other.
13 Applicant respectfully submits that they are not equivalent. The independent
14 claims (1, 6, and 11) of each set are different from each other.

16 Claim 1

17 The Office states that claim 1 is obvious because all of the claimed features
18 and elements of claim are found in a combination of Blonder, Knowlton,
19 Monteiro, and Stone.

20 Applicant submits that Office has not made a *prima facie* case of
21 obviousness for claim 1. The cited references do not include elements that the
22 Office indicates that they do. Furthermore, the combination of the cited references
23 does not include all of the claimed elements of claim 1.

24 The Office states that Blonder shows many of the features of claim 1.
25 Applicant disagrees.

1 Blonder's Padding is Content. Claim 1 recites that the "...temporary
2 graphic element is not content...." The Office equates Blonder's "padding" with
3 Applicant's "...temporary graphic element...." However, Applicant submits that
4 the "padding" is not equivalent because Blonder's *padding is content*. At col. 3,
5 lines 34-36, Blonder states that the padding "is predetermined content." Blonder
6 states that it's padding is content.

7 Knowlton. To support its proposition that Knowlton teaches the "limited
8 display area" and the "obstruct only part of the content" features, the Office cites
9 the Abstract of Knowlton; col. 26, lines 20-64, especially lines 60-64; and col. 42,
10 lines 30-34. However, Applicant submits that Knowlton does not teach either of
11 these features.

12 Limited Display Area. Applicant cannot find any language that teaches a
13 "limited display area" in the cited portions or, in fact, in any other portion of
14 Knowlton. Applicant did find several references within Knowlton that generally
15 refer to packing icons on a display. However, none of those references is to a
16 "limited display area." Instead, they appear to refer to any display. Specifically,
17 see col. 41, lines 34-46. Applicant does not find any reference to a "limited display
18 area" in Knowlton.

19 Indeed, Applicant found where Knowlton specifically refers to a "typical
20 display." In the "Background" section of Knowlton, it discusses the problem that
21 Knowlton is attempting to solve and its related technology. Knowlton expressly
22 refers to the problem of "displaying such graphical representations...on a *typical*
23 *display*" (col. 2, lines 18-23) (emphasis added).

1 Obstruct only part of the content. The Office focuses its attention on a block
2 labeled 210 and shown in Fig. 2A of Knowlton. This block is called the “original
3 image” within Knowlton.

4 It appears that the Office equates (or analogizes) Knowlton’s “original
5 image” 210 to the claimed “content viewing area” of claim 1. Applicant submits
6 that the original image 210 of Knowlton is NOT equivalent (or analogous) to a
7 “content viewing area” as claimed in claim 1. Application provides two main
8 reasons.

9 First, claim 1 recites a “...*content* viewing area...” and not just a “viewing
10 area.” The original image in Knowlton does not display content. It “displays”
11 nothing. It is an image. It is not a display, a window, a screen, or anything else
12 capable of displaying. Since it cannot display anything, it cannot be an area for
13 viewing content. The original image in Knowlton is something that is displayed
14 rather than something that displays.

15 Second, Applicant respectfully submits that the Office has misinterpreted
16 Knowlton (in particular, Fig. 2A). The graphic icon 144 of Knowlton is incapable
17 of “obstructing only part of the content in the content viewing area.” It does not do
18 so for several reasons, for example:

- 19 • The original image 210 of Knowlton is not a “content viewing area”;
20 therefore, if the graphic icon was covering the original image 210, it
21 is NOT “in the content viewing area” as recited by claim 1;
- 22 • The Office appears to imply the graphic icon 144 of Fig. 2A of
23 Knowlton is capable of being displayed over the original image. This
24 is not true. Instead, the graphic icon represents a portion that is cut
25 away from the original image. Notice the arrow points from the box

1 in the original image to the box labeled graphic icon 144. The icon
2 is taken from the original image. It is NOT displayed over the
3 image. Nowhere in Knowlton does it say that the graphic icon is
4 displayed over the original image. Instead, Knowlton says, for
5 example, "Graphic 44 Image 220 represents the region of Original
6 Image 210 that has been selected...for construction of the Graphic
7 Icon 144..." (col. 19, lines 39-41). Therefore, graphic icon 144
8 never "...obstruct[s any part of] the content..." as recited by claim 1.
9

10 Monteiro. Office refers to the "pull-down" menus of Monteiro to support its
11 position that claim 1 is obvious. However, these pull-down menus are not
12 "...configured to display a temporary graphic element over the content viewing
13 area during times when the browser is loading content..." as recited by claim 1.
14 Since they are pull-down menus, they will be displayed when directed to do so by a
15 user.

16 Lack of Motivation

17 In addition, the Office failed to provide any evidence of a suggestion,
18 teaching, or motivation to combine Blonder, Knowlton, Monteiro, and Stone. The
19 Office has not shown any such evidence within the cited references. The Office
20 has not shown any such evidence outside of the cited references that one of
21 ordinary skill in the art (OOSA) would be motivated to combine the references in
22 the manner specified by the Office.

23 In the Action, the Office supports its obviousness determination for the
24 combination by stating multiple times that OOSA would be motivated for the
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1 reasons "noted in the previous paragraphs." Specifically, this statement is made
2 three times.

3 The Office states that OOSA would be motivated for the reasons "noted in
4 the previous paragraphs" the very first time in the Action that the Office combines
5 elements found in the cited references. Specifically, that is when the Office
6 combines pieces from Knowlton and Blonder at page 4, first full paragraph of the
7 Action. However, no previous paragraphs exist to contain the referenced
8 motivation.

9 Again, the same statement is made when the Office combines the
10 combination of Knowlton and Blonder with a piece Stone at page 4, paragraph 4 of
11 the Action. Yet again, the statement is made when the Office combines the
12 combination of Knowlton, Blonder, and Stone with a piece of Monteiro at page 4,
13 paragraph 2 in the Action.

14 However, Applicant cannot locate the referenced motivation anywhere in
15 the Action. The Office never explains why OOSA would be motivated to combine
16 the pieces found in each reference to form a combination as recited in claim 1.
17 Applicant respectfully submits that no such motivation exists.

18
19 Claim 6

20 This claim is directed to an information processing device. In addition to
21 that difference, this claim differs from claim 1 in other ways. For example, claim
22 6 recites, "visible content" and "the graphic element indicates to a user that the
23 browser is loading content." These features are not found in any cited reference.
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1 Claim 11

2 This claim is directed to a method. In addition to that difference, this claim
3 differs from claim 1 in other ways. For example, claim 11 recites, “displaying
4 content in a content viewing area.” This means that the content is visible. Like
5 claim 6 above, this feature is not found in any cited reference.

6
7 Claims 2-6, 7-10, and 12-16

8 Dependent claims 2-6, 7-10, and 12-16 are allowable because of their
9 dependence from allowable base claims (1, 6, and 11), and for additionally recited
10 features that are not shown by the cited references in the context defined by the
11 base claims. These claims are allowable whether their base claims are allowable
12 or not.

13 Claims 2, 5, 7, 10, 12, and 15

14 Claims 2, 5, 7, 10, 12, and 15 include a feature where the temporary graphic
15 element is animated. The Office states that this feature is obvious because Blonder
16 suggests such animation. However, Applicant submits that Blonder does not
17 suggest this. Rather, Blonder discloses use of animated *content*. The “...graphic
18 element...” of these claims is “...not content...”; therefore, Blonder does not
19 suggest the use of an animated graphic element that is not content.

20 If the Office maintains its rejection of these claims based upon the animated
21 content of Blonder, Applicant requests that the Office explain how the content of
22 Blonder is equivalent to the non-content of the graphic element of these claims.
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1 Claims 3, 8, and 13

2 Claims 3, 8, and 13 recite that the temporary graphic element is displayed
3 “...in a corner of the content viewing area...” In addressing these claims, the
4 Office mentions that using a corner “is a well known feature of Windows
5 windowing and graphical icons, such as mentioned in Knowlton et al. See column
6 26, lines 60-64.” Applicant cannot find any suggestion in the Knowlton that
7 establish the obviousness of using a corner of a “...content viewing area...” to
8 display a “...temporary graphics element...” when “...loading content....”

9 Regardless whether it is well known or not, Applicant submits that it is not
10 generally known to place a graphic element in the corner of a “...*content viewing*
11 *area*...” instead of the corner of the *window*. This feature is illustrated at element
12 64 of Fig. 3 of the application. Note that element 64 is not part of the window
13 itself. Rather, it is over the content viewing area. There is nothing in the cited
14 references to suggest that a corner of a content viewing area should be used for a
15 graphics element such as the one claimed.

16 If the Office maintains its rejection of these claims, Applicant requests that
17 the Office explain how use of a corner of a window is equivalent to use of the
18 corner of a “...content viewing area...” as recited in these claims.

19 Claims 4, 5, 9, 10, 14, and 15

20 Claims 4, 5, 9, 10, 14, and 15 recite that the temporary graphic element is
21 presented “...within a temporary window in a windowing operating
22 environment...” Although the Office may have established the achievability of
23 this feature, it has not established any *suggestion or motivation for actually*
24 *implementing it*. There is no indication in the cited references that anyone has ever
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1 considered using a "window" to display a graphics element such as this when
2 content is loading.

3 The Office specifically refers to icon 144 of Figure 2A of Knowlton.
4 Nowhere in Knowlton does it suggest that icon 144 be presented "...within a
5 temporary window...." See the above discussion of Knowlton with respect to
6 claim 1.

7 Claim 16

8 The Office states that computer readable storage medium is well known in
9 the art of computers. This may or may not be true. Regardless, claim 16 is
10 allowable because it is dependent from an allowable base claim, claim 11.

11 **Claims 17-30**

12 On page 6 of the Action, the Offices states the following (and only the
13 following) to support its obviousness rejection of claims 17-30:

14 "In regard to claims 17-24, these claims are of similar scope
15 to claims 1-16. For the reasons stated in the rejections of claims 1-
16 16, claims 17-24 are not patentable.

17 In regard to claims 25-30, such "load status" [handling] is
18 taught by Stone (column 7, lines 6-14, i.e. "busy" signal to indicate
19 loading)."
20

21 Claims 17-30 include elements that are different from claims 1-16 and/or
22 include limitations that do not exist in claims 1-16.

23 Applicant submits that these two paragraphs fail to provide the requisite
24 support for the Office's conclusion that claims 17-30 are unpatentable because of
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1 obviousness. Therefore, the Office has failed to establish its *prima facie* case that
2 these claims are unpatentable.

3
4 Claims 17-24.

5 Despite the Office's statement that these claims are of "similar scope" to
6 claims 1-16, Applicant submits that these claims are not. Furthermore, Applicant
7 respectfully submits that similarity of scope is not a valid ground for a rejection.

8 Claim 17. This claim is dependent from claim 1. This claim specifically
9 recites, "the temporary graphic element [displays] over the content viewing area
10 *only during times when the browser is loading visible content*" (emphasis added).
11 None of the cited references contains this feature. In particular, note the bolded
12 and italicized words, "only" and "visible." These limitations are not found in any
13 cited reference. In the Action, the Office did not address this.

14 Claim 18. This claim is dependent from claim 1. This claim specifically
15 recites, "the temporary graphic element indicates to a user that the browser is
16 loading content." None of the cited references contains this feature. In the Action,
17 the Office did not address this.

18 Claim 23. This claim is dependent from claim 11 and is similar to claim 18.
19 This claim specifically recites, "the temporary graphic element indicates to a user
20 that the loading step is being performed." None of the cited references contains
21 this feature. In the Action, the Office did not address this.

22 Claims 19 and 21. Claim 19 is dependent from claim 1 and claim 21 is
23 dependent from claim 6. Specifically, these claims recite, "the temporary graphic
24 element [disappearing] when the browser's loading of content is complete to
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1 indicate to a user that such loading of content is complete.” None of the cited
2 references contains this feature. In the Action, the Office did not address this.

3 Claim 24. This claim is dependent from claim 11 and is similar to claims
4 19 and 21. This claim specifically recites, “removing the temporary graphic
5 element once the loading step is complete to indicate to a user that the loading step
6 is complete.” None of the cited references contains this feature. In the Action, the
7 Office did not address this.

8 Claim 20 and 22. Claim 20 is dependent from claim 6 and claim 22 is
9 dependent from claim 11. Each claim recites the same feature. Specifically, they
10 recite, “the temporary graphic element is not content.” This feature is included in
11 claim 1; therefore, the Action addressed this feature. See Applicant’s comments
12 about this feature in its discussion of claim 1 above.

13
14 Claims 25-30.

15 These claims focus on the status of the browser, but they are worded
16 differently from claims 1-16. They include different elements and limitations.

17 The Office indicates that Stone supports its position that these claims are
18 obvious. Applicant respectfully submits that Stone does not provide the requisite
19 support. The “DownloadBegin” and “DownloadComplete” events described in the
20 cited portion of Stone are program-control events. These are used by application
21 programs to determine when to perform a programmed action. This is not a
22 displayed “load status” graphic element.

23 Stone says that it provides “...functionality of a web browser to application
24 programs” (col. 5, line 66 through col. 6, line 1); and “...programmers can
25 incorporate this control...” (col. 6, line 5). In col. 6, lines 45-50, Stone explains

1 the events listed in Table 2. Table 2 includes the "DownloadBegin" and
2 "DownloadComplete" events cited in the Action. Stone explains that these events
3 are notification messages to the control's programming interfaces.

4 Applicant submits that Stone does not disclose, suggest, teach, or motivate
5 one of ordinary skill in the art to display a "load status" of a browser is NOT
6 displayed by a graphic element.

7 Claim 25. This claim is dependent from claim 1. This claim specifically
8 recites, "the temporary graphic element conveys status information of the
9 browser." None of the cited references contains this feature.

10 Claims 26-30. Applicant submits that these claims are worded differently
11 and have a different scope of coverage than claims 1-24. However, the Action did
12 not provide any information regarding a thorough examination of these claims
13 independent from claims 1-24. Applicant formally requests an examination of
14 these claims, which is independent of an examination of claims 1-24.

15 Claims 26 and 28. These claims are independent. These claims describe a
16 method (or medium with instructions executing such a method) of indicating a
17 content "load status" that is not found in any of the cited references.

18 Claims 27 and 29. These claims are dependent from claims 26 and 28,
19 respectively. These claims describe an additional step to a method (or medium
20 with instruction executing such a method) of indicating a content "load status" that
21 is not found in any of the cited references. The step involves "removing the "load
22 status" graphic element to reveal the part of the content in the content viewing area
23 that the graphic element obstructed when the element was displayed."

24 Claim 30. This claim is independent. This claim describes a hypermedia
25 browser (of an information processing devices) that is configured to operating in

1 at least two modes: content-loading and content-loaded. The claim describes the
2 modes in detail. None of the cited references includes the features of this claim.

3 Accordingly, Applicant submits that all of the pending claims in a condition
4 for allowance. Applicant asks the Office with withdraw its rejections and allow all
5 pending claims.

6
7 **Formal Request for an Interview**

8 Applicant expects the above comments to be persuasive. If not, however,
9 Applicant formally requests a telephonic interview in order to discuss whether any
10 further progress can be made towards allowance of this case. Thus, the
11 undersigned would appreciate a telephone call before issuing a subsequent Action.
12

13 Please contact the undersigned to schedule a telephonic interview that is
14 convenient to the Examiner. Applicant hopes that an oral discussion can help us
15 achieve our common goal, which is speedy completion of prosecution of this
16 application.
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1 Conclusion

2 All pending claims are in condition for allowance. Applicant respectfully
3 requests reconsideration and prompt issuance of the application. If any issues
4 remain that prevent issuance of this application, the Office is urged to contact the
5 undersigned attorney before issuing a subsequent Action.

7 Respectfully Submitted,

8
9 Dated: 6-26-01

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